

STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS
July 16, 2012
Minutes
Indiana Government Center-South
402 West Washington Street, Room W064
Indianapolis, Indiana

COMMITTEE MEETINGS

10:00 a.m.

CALL TO ORDER & ESTABLISHMENT OF QUORUM

D. Demuth called the meeting to order at 1:00 p.m. and established a quorum pursuant to public notice posted at the principal office of the board at least forty-eight (48) hours before the time of the meeting

Board Members Present:

David Demuth, President
Diane Weisheit, Vice President
Diana Bonn
Rebecca Bushong
Gary Odell
Joseph Barsic

Board Member Not Present:

State Officials Present:

Tracy Hicks, Board Director, Indiana Professional Licensing Agency
Rae Harman, Assistant Director, Indiana Professional Licensing Agency
Philip Thompson, Board Advisory Counsel, Office of the Attorney General

ADOPTION OF THE AGENDA

The July 16, 2012 agenda was adopted as amended.

Bonn/Weisheit
6/0/0
Motion carried.

ADOPTION OF THE MINUTES FROM THE MAY 21, 2012 MEETING OF THE STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS

A motion was made and seconded to approve the minutes as amended of the May 21, 2012 meeting.

Bonn/O'Dell 6/0/0
Motion carried.

MAY 21, 2012 BUSINESS RATIFIED.

Bushong/O'Dell 6/0/0
Motion carried.

OLD/NEW BUSINESS

A. Public Hearing for LSA Document #12-64, 1:00 p.m.

There was no public comment. A motion was made and seconded to adopt LSA Document #12-64.

O'Dell/Barsic
D. Weisheit objected.
5/1/0
Motion carried.

B. Administrative Hearings, 1:00 p.m.

1. Administrative Hearing in the Matter of Frances Kay Smith, BC02138556, SBCBE 11-116

A motion was made and seconded to find Frances Kay Smith, BC02138556, SBCBE 11-116 in default

Bonn/O'Dell
6/0/0
Motion carried.

Hearing was held. A motion was made and seconded that the State has proved their case and to suspend the license indefinitely with no right to petition for reinstatement for a period of six months, require the \$5 Heath Records and Personal Identifying Information Protection Trust Fund fee, require that the consumer be reimbursed \$80, and impose a fine of \$1000.

Bonn/Bushong
6/0/0
Motion carried.

2. Administrative Hearing in the Matter of Diamond Nails and Spa, MS30903196, SBCBE 12-12

A motion was made and seconded to issue a Notice of Proposed Default.

Bonn/Weisheit
6/0/0
Motion carried.

3. Administrative Hearing in the Matter of Lovely Nails, MS30200512, SBCBE 12-20

A motion was made and seconded to issue a second Notice of Proposed Default due to failure to appear and the lack of quorum at the May 21, 2012.

Bonn/Weisheit
6/0/0
Motion carried.

4. Administrative Hearing in the Matter of Hair Techniques Salon & Spa, BS30600445 & TB50600082, SBCBE 12-42

Hearing was held. A motion was made and seconded that the State has proved their case and to issue a letter of reprimand on first count, \$100 fine on second count to be paid in 60 days, \$5 AG fee and cost of proceedings.

Weisheit/Bushong
6/0/0
Motion carried.

5. Administrative Hearing in the Matter of Truong C. Vu, MA20703858, SBCBE 12-56

Hearing was held. A motion was made and seconded to issue a Notice of Proposed Default.

Bonn/Bushong
6/0/0
Motion carried.

6. Administrative Hearing in the Matter of Brian A. Heaton, BC20601618, SBCBE 10-21

Hearing was held. A motion was made and seconded to issue a Notice of Proposed Dismissal.

Weisheit/Bonn
6/0/0
Motion carried.

7. Administrative Hearing in the Matter of Nails II, MS30000881, ES31100062, SBCBE 10-55 & 11-88

Hearing was held. A motion was made and seconded to remove probation.

Weisheit/Bushong
6/0/0
Motion carried.

C. Office of the Attorney General Consumer Protection Division Report

N. Stidd reported that it is their goal to have consumer files open no longer than one year.

D. Personal Appearances for Disciplinary Compliance

1. James Gourley for Creative Nails, MS30500244, SBCBE 11-39 – Failed to appear
2. Nail Expo, MS30500736, SBCE 08-17 - Appeared

E. Personal Appearances and Consideration of Application for License Renewal

1. Shear Design, BS39300359

A motion was made and seconded to renew the license.

Weisheit/Bushong
6/0/0
Motion carried.

2. Michael Harney, BA08602167

A motion was made and seconded to renew the license on indefinite probation with no right to petition for removal of probation until all criminal parole has been released.

Bonn/O'Dell
6/0/0
Motion carried.

3. Glenna S. Hill, BC29901361

A motion was made and seconded to renew the license on indefinite probation with no right to petition for removal of probation until all criminal probation has been released.

Weisheit/Bonn
6/0/0
Motion carried.

4. Whitney Nold, BC20805701

A motion was made and seconded to renew the license.

Weisheit/Bushong

6/0/0

Motion carried.

5. Robert E. Richardson, BA10600110

Andrea Latimore from the New Castle Correctional Facility appeared for Robert Richardson. A motion was made and seconded to renew the license on indefinite probation with no right to petition for removal of probation until all criminal probation has been released. Mr. Richardson will be restricted from practicing on minors under the age of 18.

Bonn/Bushong

6/0/0

Motion carried.

F. Personal Appearances; Provisional Licensee Requesting Issuance of a Non-Provisional License

1. Martha Mateo Hernandez, Provisional Cosmetologist

A motion was made and seconded to deny the petition for a regular license without supervision because she provided a Tax I.D. number on her provisional license and petition for regular license rather than a Social Security number. R. Bushong opposed the motion. D. Demuth abstained from the motion.

Weisheit/Bonn

6/1/1

Motion carried.

A motion was made and seconded to renew the application for renewal of provisional license.

Bushong/O'Dell

5/1/0

Motion carried.

2. Maria Lopez, Provisional Cosmetologist

A motion was made and seconded to approve the petition for a regular license without supervision. D. Weisheit opposed the motion.

Bushong/Bonn

6/1/0

Motion carried.

3. Maura Ortiz, Provisional Cosmetologist

A motion was made and seconded to approve the petition for a regular license without supervision. D. Weisheit opposed the motion.

Bonn/Bushong

6/1/0

Motion carried.

4. Martha Sanchez, Provisional Cosmetologist

A motion was made and seconded to approve the petition for a regular license without supervision. D. Weisheit opposed the motion.

Bonn/Bushong

6/1/0

Motion carried.

5. Hanh Thi My Hoang, Provisional Manicurist

A motion was made and seconded to deny the petition for a regular license without supervision. Hoang failed to appear.

Weisheit/Barsic

6/0/0

Motion carried.

6. Nadiya Yakivma Bezlutska, Provisional Manicurist

A motion was made and seconded to approve the petition for a regular license without supervision.

Weisheit/Bushong

6/0/0

Motion carried.

G. Consideration of Proposed Findings of Fact, Conclusions of Law, and Order

1. Kokomo Nails, MS30500555, SBCBE 11-111

A motion was made and seconded to accept the Proposed Findings of Fact, Conclusions of Law, and Order.

Weisheit/Bushong

6/0/0

Motion carried.

2. Oscar Nail, MS30400512, SBCBE 11-113

A motion was made and seconded to accept the Proposed Findings of Fact, Conclusions of Law, and Order.

Weisheit/Bushong

6/0/0

Motion carried.

3. Art Nail, MS39600440, SBCBE 12-39

A motion was made and seconded to accept the Proposed Findings of Fact, Conclusions of Law, and Order.

Weisheit/Bushong

6/0/0

Motion carried.

H. Consideration of Administrative Law Judge's Notice of Proposed Dismissal Order and Objection

1. Richard Dang Van, MA29701428, SBCE 02-97

A motion was made and seconded to issue a Dismissal Order.

Weisheit/Bonn

6/0/0

Motion carried.

2. Garabed B. Sarian, SBCBE 11-97

A motion was made and seconded to issue a Dismissal Order.

Weisheit/Bonn

6/0/0

Motion carried.

3. Bryant L. Tran, SBCBE 11-98

A motion was made and seconded to issue a Dismissal Order.

Weisheit/Bonn
6/0/0
Motion carried.

4. Angela Teresa Avorio, SBCBE 12-05

A motion was made and seconded to issue a Dismissal Order.

Weisheit/Bonn
6/0/0
Motion carried.

5. Mong Tuyen Nguyen, SBCBE 12-07

A motion was made and seconded to issue a Dismissal Order.

Weisheit/Bonn
6/0/0
Motion carried.

I. Consideration of Motion for Order to Cease and Desist

1. Tuan Quoc Phan, SBCBE 12-45

A motion was made and seconded to grant the Motion for Order to Cease and Desist and schedule the matter for show cause.

Weisheit/O'Dell
6/0/0
Motion carried.

J. Consideration of Administrative Law Judge's Order

1. Louis R. Lawson, BA10100120, SBCBE 11-16

A motion was made and seconded to affirm the Administrative Law Judge's Order.

Weisheit/Bonn
6/0/0
Motion carried.

2. Art Nail, SBCBE 12-08

A motion was made and seconded to affirm the Administrative Law Judge's Order.

Weisheit/Bonn
6/0/0
Motion carried.

3. Jason Scott Palmer, SBCBE 12-09

A motion was made and seconded to affirm the Administrative Law Judge's Order.

Weisheit/Bonn
6/0/0
Motion carried.

4. Andre Darnell Lewis, SBCBE 12-19A

A motion was made and seconded to affirm the Administrative Law Judge's Order.

Weisheit/Bonn
6/0/0
Motion carried.

K. Discussion Regarding Wisconsin's Licensing Requirements for Issuance of an Indiana License

The board determined that anyone licensed in Wisconsin by obtaining a verification from a Wisconsin cosmetology school indicating their education obtained from other jurisdiction meets Wisconsin's license requirements does not qualify for an Indiana license by reciprocity because they did not graduate from a cosmetology school and pass the Wisconsin examination for licensure.

L. Discussion Regarding IC 25-1-7-5(b)(1), Copies of Consumer Complaints Having Merit Shall be Submitted to the Board.

A motion was made and seconded to request the Office of the Attorney General send the board's complaint liaison a copy of every complaint pursuant to IC 25-1-7-5(b)(1).

Bushong/Weisheit
6/0/0
Motion carried.

V. CONSIDERATION OF REQUESTS FOR WAIVER AND TRANSFERS

A. Request for Waiver of 820 IAC 4-1-5(d), Completion of Education Within Three Years Of Enrollment

1. Emily A. Ganote
2. Vanessa Garcia
3. Krista D. Knight
4. Amanda G. Loesch-Greenfield
5. Shalonda R. Saunders
6. Brenda Ramirez
7. Idalia San-Inocencio

A motion was made and seconded to approve all of the requests for waiver and allow them one year to graduate from cosmetology school.

Weisheit/Bonn
6/0/0
Motion carried.

B. Request for Waiver of 820 IAC 2-2-3(b), Sitting for Examination Within One Year of Graduation

1. Delores Bandy
2. Krista Crawford
3. Shirley Futrell
4. Brianna Garth
5. Alina Golub
6. Brittney Hamilton
7. Veondra Kimbrough
8. Iris Taylor

A motion was made and seconded to approve all of the requests for waiver and allow them three months to Sit for the examination.

Weisheit/Bonn
6/0/0
Motion carried.

C. Request for Waiver of 820 IAC 8-2-20 or 820 IAC 8-2-20, Passing the Examination Within Three Years Of Graduation

1. Jennifer Lynn Downing

2. Dwan Edwards
3. Deondra Renee Johnson
4. Wesley Johnson
5. Casimir M. Jones, II
6. Nathaniel L. White
7. Rachel S. Williams

A motion was made and seconded to deny all of the requests for waiver and allow them three months to Sit for the examination. R. Bushong and D. Bonn opposed the motion.

Weisheit/Barsic
4/2/0
Motion carried.

D. Request for Waiver of 820 IAC 2-2-3(b), Sitting for Examination Within One Year and Passing the Examination Within Three Years of Graduation

1. Sinja Mariea Beasley
2. Joan Butler
3. Camille Donette Evans
4. Christian Massey
5. Reshia Payne
6. Shauna Tidwell
7. Tomeka Wilson

A motion was made and seconded to approve all of the requests for waiver and allow them three months to Sit for the examination.

Weisheit/Bushong
6/0/0
Motion carried.

E. Request for Waiver of IC 25-8-7-3; IC 25-8-12.6-3, IC 25-8-7.2-3, Six Month Licensure Requirement To Manage a Salon

1. Rachel Araiza

A motion was made and seconded to approve the request for waiver.

Weisheit/O'Dell
6/0/0
Motion carried.

VI. GRANTING OR DENYING PETITION FOR REVIEW AND APPOINTMENT OF ADMINISTRATIVE LAW JUDGE

A. Janet Marie Patton

Re: Timely Petition for Review of Failed Cosmetology Examination

A motion was made and seconded to grant the petition for review and appoint Diana Weishiet as the Administrative Law Judge.

Bonn/O'Dell
6/0/0
Motion carried.

B. Norma E. Roth

Re: Timely Petition for Review of Denied Application for Provisional Cosmetology License

A motion was made and seconded to grant the petition for review and appoint the board as the Administrative Law Judge.

Weisheit/Bonn
6/0/0

Motion carried.

C. Toshiba Thomas

Re: Untimely Petition for Review of Denied Application for Provisional Cosmetology License

A motion was made and seconded to deny the petition for review due to untimely filing.

Weisheit/O'Dell

6/0/0

Motion carried.

VII. COMMITTEE REPORTS

A. Application Committee

A motion was made and seconded to approve the New Castle Correctional Institute with only 10 chairs.

Barsic/Weisheit

6/0/0

Motion carried.

A motion was made and seconded to approve the application report as presented.

Weisheit/O'Dell

6/0/0

Motion carried.

COSMETOLOGY APPLICATIONS

A. By Examination:

Bibler, Elaina Aryl - Approved

Delacruz, Erika I. – Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year for forgery and theft, follow statutes and rules

Freeman, Quintin – Denied, not 18 at time of application, IC 25-8-9-3

Garrett, Emily A. – Denied, not 18 at time of application, IC 25-8-9-3

Kambouris, Stefanie – Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year for burglary, follow statutes and rules

Rennier, Tiffany - Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year for dealing in cocaine, follow statutes and rules

Tinsley, Carolyn – Approved

B. By Reciprocity:

Dang, Jessica Lee – Denied

Huynh, Sonthanh – Denied, license is not valid in another jurisdiction, IC 25-8-4-2(a)(1)

Wisconsin:

Bembeneck, Jennifer Lynn - Approved

Do, Thanh Thi Thu - Denied, the jurisdiction issuing the license doesn't impose substantially equal requirements on applicants for the license as are imposed on applicants for an Indiana license, IC 25-8-4-2(a)(2)

Hua, MiMi - Denied, the jurisdiction issuing the license doesn't impose substantially equal requirements on applicants for the license as are imposed on applicants for an Indiana license, IC 25-8-4-2(a)(2)

Le, Amy Tien - Denied, the jurisdiction issuing the license doesn't impose substantially equal requirements on applicants for the license as are imposed on applicants for an Indiana license, IC 25-8-4-2(a)(2)

Nguyen, Kim Thi - Denied, the jurisdiction issuing the license doesn't impose substantially equal requirements on applicants for the license as are imposed on applicants for an Indiana license, IC 25-8-4-2(a)(2)

Nguyen, Nga Thi My - Denied, the jurisdiction issuing the license doesn't impose substantially equal requirements on applicants for the license as are imposed on applicants for an Indiana license, IC 25-8-4-2(a)(2)

Nguyen, Tam Duc - Denied, the jurisdiction issuing the license doesn't impose substantially equal requirements on applicants for the license as are imposed on applicants for an Indiana license, IC 25-8-4-2(a)(2)

Pham, Cai Thai - Denied, the jurisdiction issuing the license doesn't impose substantially equal requirements on applicants for the license as are imposed on applicants for an Indiana license, IC 25-8-4-2(a)(2)

Pham, Kim Dung Thi - Denied, the jurisdiction issuing the license doesn't impose substantially equal requirements on applicants for the license as are imposed on applicants for an Indiana license, IC 25-8-4-2(a)(2)

C. By Provisional:

Garcia, Heidy – Tabled, needs to submit a new copy of drivers license and proof of work hours

Jimenez, Madai Hernandez - Approved

Martinez, Yasmin - Approved

Martinez Baltazar, Herminio - Approved

Robledo Marin, Maria del Carmen - Approved

Salameh, Salwa - Approved

MANICURIST APPLICATIONS

A. By Examination:

Fields, Brandy – Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year for dealing in cocaine, follow statutes and rules

Littrell, Melissa – Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year for fraud, follow statutes and rules

Steele, Brandy – Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year for burglary, follow statutes and rules

B. By Reciprocity:

Nguyen, Kim Dung – tabled, need proof of hours

Tu, Phillip – tabled, need proof of hours

C. By Provisional:

McCracken, Mutsumi – Denied, new information not sufficient, not translated or signed

ESTHETICIAN APPLICATIONS

A. By Reciprocity:

Gilbertson, Jamie Lynn – Denied, attended a skin care school instead of cosmetology school

COSMETOLOGY INSTRUCTOR APPLICATIONS

A. By Examination:

Holder, Lacey D. – Denied, job description and duties not submitted

BARBER APPLICATIONS

A. By Examination:

Hobbs, Willie – Denied, needs to pay fees and license expired July 1, 2012

White, Nathaniel - Approved

Wilburn, Damon – Approved on PROBATION with no right to petition for withdrawal of probation until probation is successfully completed, follow statutes and rules, must make personal appearance twice a year, January 2013 and July 2013

Williams, Anthony, Jr. – Approved on PROBATION with no right to petition for withdrawal of probation for period of one year, follow statutes and rules, must make personal appearance twice a year, January 2013 and July 2013

B. By Provisional:

Martinez, Carlos Manuel – Approved
Severino Castillo, Agustin - Denied
Velez, Bonifacia – Denied

Barber School Applications

A. Barber School

New Castle Correctional, 100 Van Nuys Road, New Castle, IN 47362- Approved, with 10 chair variance

Salon Applications

A. Manicuring Salon

Art Nail, 21 E 38th Street, Indianapolis, IN 46205, Approved on PROBATION

Artesian Nails, 215 Morton Avenue Ste F, Martinsville, IN 46151, Approved

Hobart Nail & Spa, 1405 S Lake Park, Hobart, IN 46342, Denied, disapproved inspection report and unlicensed practice

Sun Nails LLC, 7935 S Emerson Ave, Ste B, Indianapolis, IN 46237, Denied, disapproved inspection report and unlicensed practice

B. Esthetics Salon

Aqua Nail Spa, 5364 Broadway, Merrillville, IN 46410, Denied, disapproved inspection report

Expressions Spa & Beauty Supply, 1752 Indianapolis Road, Ste 3B, Greencastle, IN 46135, Approved on PROBATION

Hobart Nail & Spa, 1405 S Lake Park, Hobart, IN 46342, Denied, disapproved inspection report and unlicensed practice

VIII. DISCUSSION REGARDING RECIPROCITY LICENSE REQUIREMENTS

It was the consensus of the board that reciprocity applicants that have graduated in a manicuring, esthetician, electrology, or barber school to obtain a license in another jurisdiction shall be required to provide proof that the school is approved by their jurisdiction and provide a transcript of their education when applying for an Indiana reciprocity license.

IX. ADJOURNMENT

The meeting adjourned at 6:02 p.m.

Next Scheduled Meeting:
Monday, September 17, 2012